

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

DAVID ADAMS,

Defendant.

No. 10-cr-82 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

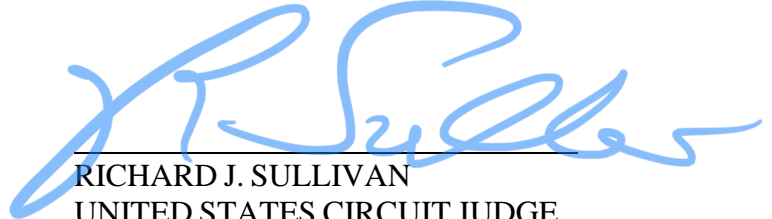
Although the government expressly requested that the Court order a cardiology consultation in lieu of granting Defendant David Adams's request for compassionate release, the Court is now in receipt of a letter from the government requesting that the Court vacate its June 10, 2020 Order and replace it with a more tepid one that merely "permits" the government "to provide the Court with an update on the status of the defendant's cardiologist examination on or before July 15, 2020." (Doc. No. 199.) Adams opposes the government's request to vacate, arguing that the inability of the Bureau of Prison ("BOP") to conduct a cardiology consultation by July 1 further supports his petition for compassionate release, as it demonstrates that the BOP is unable to provide him with adequate care during the COVID-19 pandemic. (Doc. No. 200.)

IT IS HEREBY ORDERED THAT the government's request is denied. IT IS FURTHER ORDERED THAT Adams's counsel and the government shall appear for a telephonic conference on July 2, 2020 at 10:00 a.m. If Adams has not been examined by a cardiologist by then, the government shall be prepared to call witnesses to explain (1) its failure to comply with the Court's order, and (2) why the BOP's inability to conduct a cardiologist examination in a three-week span does not support Adams's request for compassionate release

pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). To access the conference, the parties should call into the Court's dedicated conference line at (888) 363-4749, and enter Access Code 3290725, followed by the pound (#) key. Members of the public may observe the proceeding by calling the same number but will not be permitted to speak during the conference.

SO ORDERED.

Dated: June 23, 2020
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation